

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Daniel Tomassi,

Plaintiff,

vs.

Civil Action No.: 14-CV-11077

District Judge Matthew F. Leitman

Magistrate Judge Mona K. Majzoub

**Amcol Systems
Defendants.**

**OPINION AND ORDER GRANTING DEFENDANT’S MOTION FOR MORE
DEFINITE STATEMENT DOCKET NO. [2]**

This matter comes before the Court on Defendant Amcol Systems’s Motion for More Definite Statement. (Docket no. 2.) Plaintiff has not filed a response. This motion was referred to the undersigned for decision. (Docket no. 3.) The Court has reviewed the pleadings and dispenses with oral argument pursuant to Eastern District of Michigan Local Rule 7.1(f)(2). The Court is now ready to rule pursuant to 28 U.S.C. § 636(b)(1)(A).

Plaintiff filed his Affidavit and Claim in small claims court in Dearborn Heights, Michigan, on January 22, 2014. (Docket no. 1-1 at 2.) Plaintiff claims that he was “[h]arassed by collector” and that the harassment “[h]appened in Dearborn Heights.” (*Id.*) Plaintiff seeks \$500.00 in damages. (*Id.*) On March 12, 2014, Defendant removed the matter to this Court, arguing that the basis of Plaintiff’s claim, that he was “harassed by [a] collector,” arises under the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692. (Docket no. 1.) Defendant then filed its instant Motion, arguing that Plaintiff’s claim does not set forth any factual basis for his requested

relief. (Docket no. 2.)

The Federal Rules of Civil Procedure only require that a complaint include “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed.R.Civ.P. 8(a)(2). Nevertheless, a party may file a motion for a more definite statement if the complaint is still “so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading.” Fed.R.Civ.P. 12(e).

The Court agrees with Defendant that it could not possibly frame a meaningful responsive pleading. Plaintiff’s Affidavit and Claim is entirely devoid of any facts related to Defendant or any acts related to the alleged harassment. The Court will, therefore, grant Defendant’s Motion for More Definite Statement and will order Plaintiff to file a Complaint, within 21 days, that meets with the requirements of Fed. R. Civ. P. 8 and clarifies his claims against Defendant.

IT IS THEREFORE ORDERED that Defendant’s Motion for More Definite Statement [2] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff must file a Complaint in accordance with this Order withing 21 days. Failure to comply with this order may result in sanctions, including dismissal of Plaintiff’s claims against Defendant.

NOTICE TO THE PARTIES

Pursuant to Federal Rule of Civil Procedure 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: July 10, 2014

s/ Mona K. Majzoub

MONA K. MAJZOUB

UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Daniel Tomassi and Counsel of Record on this date.

Dated: July 10, 2014

s/ Lisa C. Bartlett

Case Manager